BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of the Application of the City of Buffalo to Extend its Assigned Service Area into the Area Presently Assigned to Wright-Hennepin Cooperative Electric Association

ISSUE DATE: April 1, 2005

DOCKET NO. E-221,148/SA-03-989

ORDER DETERMINING COMPENSATION AND REQUIRING COMPLIANCE FILING

PROCEDURAL HISTORY

On July 1, 2003, the City of Buffalo (the City) filed a petition under Minn. Stat. § 216B.44 stating its intention to exercise its right to extend its assigned service area to include three recently annexed areas, identified as Martineau's Subdivision, Sundance Ridge, and Mill Creek Inn. All three areas lay within the assigned service area of Wright-Hennepin Cooperative Electric Association (Wright-Hennepin or the Cooperative).

The petition asked the Commission to adjust the City's service area boundaries to include these areas and to open a contested case proceeding to determine appropriate compensation to the Cooperative for service rights to the areas. The petition also asked the Commission to grant the City interim service rights, the right to serve new points of delivery within the annexed areas while compensation was being determined.

On October 16, 2003, the Commission issued an Order denying the City's request for interim service rights and referring the issue of compensation to the Office of Administrative Hearings for contested case proceedings. On March 2, 2004, the Commission issued an Order granting the joint petition of the City and the Cooperative to add additional, newly annexed parcels to the ongoing, contested case proceeding.

The Administrative Law Judge assigned to the case, Beverly Jones Heydinger, held evidentiary and public hearings and received post-hearing briefs and proposed findings from the parties. The parties to the case were the City, the Cooperative, and the Minnesota Department of Commerce.

On October 26, 2004, the Administrative Law Judge filed her Findings of Fact, Conclusions, and Recommended Order (the ALJ's Report) and returned the official record of the contested case proceeding to the Commission. On November 15, 2004, the Cooperative filed exceptions to the ALJ's Report, and on November 19, the City filed replies to the exceptions.

On March 10, 2005, the case came before the Commission, the parties presented oral argument, and the record closed under Minn. Stat. § 14.61, subd. 2.

Having reviewed the entire record and having heard the arguments of all parties, the Commission makes the following findings, conclusions, and Order.

FINDINGS AND CONCLUSIONS

I. Factual and Statutory Background

In 1974 the Minnesota Legislature determined that the orderly development of economical statewide electric service required granting electric utilities exclusive service rights within designated service areas:

> It is hereby declared to be in the public interest that, in order to encourage the development of coordinated statewide electric service at retail, to eliminate or avoid unnecessary duplication of electric utility facilities, and to promote economical, efficient, and adequate electric service to the public, the state of Minnesota shall be divided into geographic service areas within which a specified electric utility shall provide electric service to customers on an exclusive basis.
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> Minn. Stat. § 216B.37.

The Commission was required to establish assigned service areas for all electric utilities by April 12, 1975 and to prepare official service area maps showing the boundaries of the service areas established. To expedite this process, the statute encouraged utilities to reach agreements on service area boundaries and to submit them to the Commission for approval and ratification. Minn. Stat. § 216B.39, subd. 4. That is how the service area boundaries between these two utilities were set.

The Legislature recognized that service areas would require adjustment over time, especially as cities and towns with municipal utilities grew. The Legislature therefore established a procedure, codified at Minn. Stat. § 216B.44, to allow municipal utilities to acquire portions of other utilities' service areas within their city limits. Under the statute, municipal utilities may serve such areas at will unless they are "already receiving electric service" from the assigned utility.

Since 1989, when the Commission first addressed this issue, the Commission has held that an area is "already receiving electric service" if the assigned utility has facilities in place capable of meeting the area's near-term needs while compensation issues are being resolved.[1]

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[1] See, *inter alia*, *In the Matter of the Complaint by Kandiyohi Cooperative Electric Power Association Against Willmar Municipal Utilities Commission for Extending Electric Facilities in and Adjacent to Westwind Estates*, E-118, 329/SA-89-502, Order Denying Reconsideration on the Merits and Accepting Amended Answer (October 19, 1989), *affirmed,* 455 N.W. 2d 102 (Minn. Ct. App. 1990), review denied. *In the Matter of the Complaint Regarding the Annexation of a Portion of the Service Territory of People's Cooperative Power Association by the City of Rochester (North Park Additions)*, E-132,299/SA-88-270, Order Determining Compensation (July 11, 1990), *affirmed,* 470 N.W.2d 525 (Minn. Ct. App. 1991), review denied. *In the Matter of the Application by the City of Rochester for an Adjustment of its Service Area Boundaries with People's Cooperative Power Association, Inc.*, E-299,132/SA-93-498, Order Determining Compensation and Denying Motion to Dismiss (November 30, 1995), *affirmed,* 556 N.W.2d 611 (Minn. Ct. App. 1996), review denied.

If the area the municipal utility seeks to acquire is already receiving electric service, the municipal utility is not permitted to serve the area until it has paid appropriate compensation to the assigned utility.[2] The statute defines appropriate compensation as comprising "the original cost of the [assigned utility's] property, less depreciation, loss of revenue to the utility formerly serving the area, expenses resulting from integration of facilities, and other appropriate factors."[3] In almost all cases, the largest portion of the compensation award is loss of revenue.

The Commission determines loss of revenue using the "net revenue loss" method, with the objective of putting the displaced utility in the same position it would have occupied but for the loss of service rights to the area for which compensation is being determined. This formula was developed in the course of a complex service area compensation case in 1990[4] and has been refined and clarified in subsequent cases as new issues have arisen.

The starting point for determining net revenue loss is to determine the gross revenues the utility would have received if it were serving the area. The number of customers and the usage per customer are estimated for each year of the compensation period. The utility's rates are then applied to these billing determinants to measure the gross revenues the utility would have received.
Then the avoided costs are determined. For example, the utility will not have to purchase the power to be sold within the area, because the municipality will be providing the service. So costs which, like purchased power, can be avoided, are identified and estimated, again for each year of the compensation period.

The third step in determining net revenue loss is to subtract the avoided costs from the gross revenues. The result is the yearly net revenue loss for each year in the compensation period.

Finally, the yearly net revenue losses are reduced to present value. The present value amount is taken to be the net revenue loss.

Although the loss of revenue compensation determination could end there, an additional step is almost always taken. Because of the uncertainty of future events, payment of a large lump sum at the beginning of a compensation period subjects both the existing utility and the municipality to great risk that the sales forecasts (indeed, the forecasts of customer locations) will be wrong. This risk is mitigated, to a great extent, by converting the lump sum into a per-kilowatt-hour rate, and paying compensation at this rate over the compensation period.

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[2] The one exception is if the Commission finds that it would not be in the public interest to permit the displaced utility to serve future points of delivery and grants that right to the municipal utility. Minn. Stat. § 216B.44 (c).

[3] Minn. Stat. § 216B.44 (b).

[4] *In the Matter of the Complaint Regarding the Annexation of a Portion of the Service Territory of People's Cooperative Power Association by the City of Rochester (North Park Additions)*, E-132,299/SA-88-270, Order Determining Compensation (July 11, 1990), *affirmed*, 470 N.W.2d 525 (Minn. Ct. App. 1991), review denied.

II. Contested Issues and Positions of the Parties

In this case the parties reached agreement on compensation for all loss factors except lost revenues, the largest component of most compensation awards. On that issue they were far apart, with the City advocating a total award of $20,527 and the Cooperative a total award of $1,163,518. The difference was due mainly to two factors: (1) the Cooperative's inclusion and the City's exclusion of lost revenues for future customers; and (2) the Cooperative's use of a ten-year compensation period and the City's use of a two-year compensation period.

While these two factors had the most dramatic effect on the disparity between the two proposed awards, there were three other contributing factors: (1) the Cooperative's use of an incremental approach to avoided system improvements and the City's use of an averaging/allocation approach; (2) the Cooperative's exclusion of amounts paid by customers as Contributions in Aid of Construction in calculating total utility investments needed to serve the annexed areas and the City's inclusion of those amounts; and (3) the Cooperative's phasing in of investment in calculating total utility investments required to serve the annexed areas and the City's accounting for all investment in the first year.

The Department of Commerce stated that it participated in the case to clarify Commission precedent on compensation issues, both in contested cases and in the numerous settlements based on the decisions in those contested cases. The Department concluded that "the City's arguments with respect to the definition of receiving service and whether a utility is serving an area are clearly inconsistent with established Commission precedent."[5]

III. The Report and Recommendations of the Administrative Law Judge

The Administrative Law Judge found that all seven annexed areas were receiving electric service from the Cooperative but recommended awarding full compensation for only one of the areas. For the other six areas she recommended denying compensation for lost revenues from future customers, finding that the facts surrounding the Cooperative's service to the areas and the City's preparations to serve the areas established that the Cooperative was not entitled to that element of the compensation formula.

The Administrative Law Judge adopted the averaging/allocation approach to avoided system improvements, used a ten-year compensation period, included customer-paid Contributions in Aid of Construction in calculating total utility investment required to serve the annexed areas, and found that all utility investment required to serve the area should be accounted for in the first year.

The Cooperative filed exceptions to the decision not to award lost revenues for the other six annexed areas, to using an averaging/allocation approach in valuing avoided system improvements, to including Contributions in Aid of Construction in total utility investment, and to accounting for all avoided system improvements from the first year of the compensation period.

No party excepted to the ten-year compensation period.

[5] Response Brief of the Department of Commerce, page 24.

IV. Summary of Commission Action

The Commission concurs with the Administrative Law Judge that all seven annexed areas are receiving electric service from the Cooperative but finds that this fact alone entitles the Cooperative to recover compensation – including lost revenues from future customers – for all seven areas. This is settled precedent, and it remains the approach most consistent with the Public Utilities Act, its underlying policies, and the broad public interest.

The Commission will decline to use the averaging/allocation approach recommended by the Administrative Law Judge to calculate the value of avoided system improvements, finding that the incremental approach it has consistently taken in previous cases yields a more accurate measure of damages. Similarly, the Commission declines to accept the recommendation to treat Contributions in Aid of Construction as utility investments in making the same calculation, finding that imputing customer-paid amounts to the utility compromises accuracy.

Finally, the Commission accepts the Administrative Law Judge's recommendation to recognize all avoided utility investments from the time they would have been made and accepts the recommended 10-year compensation period, which the Commission has consistently used in previous cases.

These actions will be explained in turn.

V. The Link Between "Receiving Electric Service" and Compensation Rights

The Administrative Law Judge found that all seven annexed areas were "already receiving electric service" from Wright-Hennepin Cooperative within the meaning of the assigned service area statutes, Commission decisions interpreting those statutes, and Court of Appeals decisions affirming the Commission's interpretation of those statutes.

The Commission concurs. All seven areas are bounded by three-phase Cooperative electric lines with the capacity to deliver service to new and existing points of delivery in the near-term, including the period during which compensation issues are being resolved. That is the test for determining whether an area is "already receiving electric service," as discussed earlier in this Order.

The only reason that test matters, though, is that it determines whether or not the displaced utility receives compensation – if the area is already receiving service, the displaced utility does receive compensation; if the area is not already receiving service, the displaced utility does not. This Commission and the Court of Appeals have long taken this link between "receiving service" and compensation for granted:

> The City and MMUA ask us to reconsider and reject a 1990 decision of this court holding than an area is "receiving electric service," so that compensation is due, if the utility is "capable of providing [the area] with service." *In Re Kandiyohi Cooperative Electric Power Ass'n.*, 455 N.W.2d 102, 105 (Minn.App.1990), *pet. for rev. denied* (Minn. April 27, 1990).[6]

[6] *In the Matter of the Complaint Regarding the Annexation of a Portion of the Service Territory of People's Cooperative Power Association by the City of Rochester (North Park Additions)*, 470 N.W.2d 525, 527 (Minn. Ct. App. 1991), review denied.

As the quote demonstrates, the reason the definition of "receiving electric service" was so important and so hotly contested – going up to the Court of Appeals three times – is that the definition determines a displaced utility's right to compensation, including the statutory compensation element of "lost revenues," which usually makes up most of the award.[7]

The Administrative Law Judge, however, despite finding that all seven areas were receiving service from the Cooperative, went on to deny compensation for lost revenues from future customers in six of the seven areas. In effect, she used a two-step process, first determining whether the area was receiving electric service – which entitled the displaced utility to all compensation elements except lost revenues for future customers – and then determining whether the facts surrounding the displaced utility's service to the area and the municipal utility's acquisition of the area entitled the displaced utility to lost revenues for future customers.

The second determination involved a fact-intensive inquiry including at least the following issues: Has the displaced utility made recent, significant investments to serve the area? Will the loss of future revenues from the area have a demonstrable effect on the displaced utility's margins, given its size and growth rate? Do allegations of service quality deficits suggest or demonstrate that the displaced utility has failed to make "reasonable" investments to serve the area? Has the *acquiring* utility made investments to serve the area that are recent enough and significant enough to merit recovery? Was the annexed area configured for purposes of defeating the displaced utility's compensation rights?

The Commission rejects this two-step, multi-factor test as inconsistent with established Commission precedent, inconsistent with longstanding and judicially affirmed interpretations of Minn. Stat. § 216B.44, and inconsistent with the public interest.

In a series of decisions from 1985 to 1996 the Commission has consistently determined and been upheld in its determination that compensation – including the lost revenues component that makes the issue so contentious – is owed to displaced utilities when annexed areas are "already receiving service." The Commission has approved over 50 settlement agreements resolving compensation issues on the basis of this principle.

In its decisions in contested compensation cases, the Commission has of course explained the legal, factual, and policy grounds for its decisions. It has illustrated its findings that displaced utilities were serving annexed areas with an overview of the system assets that would have been used to serve the areas. It has engaged in extensive policy analysis of the critical role that service area stability plays in ensuring that utilities plan for and make capital-intensive investments in advance of actual need. And it has considered hypothetical annexation scenarios to gauge the practical effects of its decisions.

The purpose of these discussions, however, was to explain the complex reasons for the Commission's simple definition of "receiving electric service"; it was not to introduce a multi-step, fact-intensive test for determining whether utilities serving annexed areas were entitled to one element of the statutory compensation formula, lost revenues for future customers.

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[7] "In making that determination [the compensation determination] the Commission shall consider the original cost of the property, less depreciation, loss of revenue to the utility formerly serving the area, expenses resulting from integration of facilities, and other appropriate factors." Minn. Stat. § 216B.44 (b).

The Commission finds that the City and the Administrative Law Judge misread established precedent in finding that the seven annexed areas were receiving electric service from the Cooperative but that the Cooperative must still pass a multi-factor test to qualify for full compensation.

Further, while the Commission could change its precedent if the public interest required it, the Commission finds that established precedent serves the public interest more effectively than the alternative approach urged by the City and adopted by the Administrative Law Judge. The alternative approach could undermine service area stability and drive up costs if utilities felt compelled to install "recent" and "significant" investments near areas likely to be annexed. It could undermine rapid and cooperative resolution of service quality issues if municipal utilities sought to use service glitches as evidence of failure to make "reasonable" investments to serve annexed areas.

It would also introduce an irrelevant factor – municipal utility investments – into an already complex equation. As the Court of Appeals noted in the *North Park* case, "What is material is not the City's cost, but the justness of compensation awarded to the rural cooperative."[8] And it would needlessly destabilize the law of assigned service area compensation, at great cost to acquiring and displaced utilities alike.

For all these reasons, the Commission respectfully declines to adopt the Administrative Law Judge's recommendation that only one of the seven areas – the one whose boundaries she found had been gerrymandered to avoid paying compensation – qualifies for compensation for lost revenues from future customers. The Commission finds that all seven areas qualify for full compensation. The area in which the City Garage will be located requires separate discussion, however, which is conducted below.

VI. The City Garage and Compensation Rights

One of the annexed areas, area seven, will be the site of a new City Garage. At this point, the Garage is the only customer known to be locating in the area, which is currently bare ground. The Administrative Law Judge found that no compensation was due for this parcel, because the situation was analogous to an earlier case in which the Commission awarded no compensation for service rights to a parcel of land that the City of Olivia was developing as an industrial park.[9]

The Commission respectfully declines to accept the Administrative Law Judge's recommendation on this issue, finding that the two cases are more different than alike. In the *Olivia* case, the City had not only bought the parcel for which it sought service rights, but was incurring the full cost of development and was bearing the full risk that the development effort would fail. Had the development effort failed, there presumably would have been no future lost revenues to discuss.

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[8] *In the Matter of the Complaint Regarding the Annexation of a Portion of the Service Territory of People's Cooperative Power Association by the City of Rochester (North Park Additions)*, 470 N.W.2d 525, 528-29 (Minn. Ct. App. 1991), review denied.

[9] *In the Matter of the Application of the City of Olivia to Extend its Municipal Electrical Service Area into the Area Served by Renville-Sibley Cooperative Power Association*, E-288, 136/SA-85-93, Order Setting Compensation (June 27, 1986) and Order After Rehearing (October 1, 1986).

In this case the City is not assuming any development costs or any development risks – it is simply a customer of electrical service. The factors that justified special consideration in the *Olivia* case are therefore not present.

Nor does the City's ownership of the Garage confer any service rights. While the Public Utilities Act does permit a utility to serve "its own utility property and facilities," even if located in another utility's assigned service area, the Act contains no similar provision for general municipal property. The statute is clear on this point, and the Commission so found when the City of Rochester claimed the right to serve City-owned streetlights located within a neighboring utility's assigned service area.[10]

For all these reasons, and because area seven is already receiving electric service from Wright-Hennepin as explained above, the Commission finds that the Cooperative is entitled to compensation for lost revenues from future customers in area seven.

VII. Avoided Costs To Be Calculated Incrementally

As explained above, the Commission uses a net revenue loss analysis to determine compensation for lost revenues. That analysis begins by determining the gross revenues the displaced utility would have received from the area to which it is losing service rights. That number is the starting point from which the Commission subtracts all expenses, including system improvements and upgrades, that the displaced utility will avoid by not serving the area. The resulting figure is then adjusted for inflation, reduced to present value, and, usually, converted to a "mill rate," a fixed amount to be remitted per kilowatt-hour of electricity sold within the acquired area during the compensation period.

To calculate the expenses the displaced utility will avoid by not serving the area, the Commission conducts a factual analysis of the utility's existing system, projected future growth, and plans for future system expansion. It attempts to determine as precisely as possible the direct financial impact of losing service rights to the specific area being annexed.

In this case the City proposed departing from established practice and calculating avoided costs on a more theoretical basis – averaging and allocating system-wide costs – instead of trying to determine the direct, incremental, financial impact that losing service rights to this area will have on Wright-Hennepin, given its specific operational requirements and the configuration of its system. The Administrative Law Judge recommended the City's approach.

The Commission respectfully disagrees. Since the *North Park* case in 1990, the Commission has consistently used the incremental approach to calculate the displaced utility's avoided expenses and avoided capital investments. Acquiring utilities have often argued in favor of an

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[10] *In the Matter of a Petition by the City of Rochester, Minnesota, for an Order Establishing Petitioner's Right to Provide Electric Service to Certain Street Lights Constructed and Owned by Petitioner and Located in the City of Rochester Adjacent to Highway 63 North, in the Service Territory of People's Cooperative Power Association*, E-132, 299/SA-90-1077, Order Denying Petition (March 15, 1991).

averaging/allocation approach, most recently in the 2003 *Celestica* case,[11] but after careful deliberation the Commission has consistently found that the incremental approach offers greater accuracy due to its tight focus on the specific situation of the displaced utility. Further, the method proposed by the City averages, allocates, and treats as avoided, costs that continue to be incurred.

The Commission continues to believe that the incremental approach more closely approximates displaced utilities' actual losses than the averaging/allocation approach. There is nothing in this record demonstrating that this established practice should be rethought and overturned; there is nothing in the record demonstrating that a different approach would be more accurate in this case. The Commission will therefore require that avoided investment costs be calculated using the incremental method normally used in these cases.

Finally, on this issue, as on the issue of Contributions in Aid of Construction discussed below, the Administrative Law Judge found that the calculations offered by the City's expert witness were more credible than those offered by the Cooperative's. This determination was based on her finding that the City's calculations better reflected the factual record and more fully and accurately accounted for the investment the Cooperative would avoid by not serving the area.

The Commission respects this finding as going to the Administrative Law Judge's assessment of the credibility of the experts' methodologies, not to their credibility as experts. The finding was based on her assessment of the persuasiveness of their theories, not her assessment of their demeanor, character, professional standing, credentials, experience, or training. In short, this credibility finding is offered as an aid to Commission deliberations and does not demand the deference granted credibility findings based on personal, empirical observation.

VIII. Treatment of Contributions in Aid of Construction

The Cooperative, like most Minnesota utilities, has policies in place that require customers requesting service to new points of delivery to pay a portion of the cost of extending facilities to provide that service. These payments are called Contributions in Aid of Construction. In calculating the costs it would avoid by not serving the annexed areas, the Cooperative did not include amounts that would have been paid by customers as Contributions in Aid of Construction.

The City claimed that not counting these contributions understated the cost of serving the annexed areas and skewed the compensation award. The Administrative Law Judge agreed and recommended that these contributions be counted as part of the avoided cost of serving the areas. The Commission respectfully declines to adopt this recommendation.

Contributions in Aid of Construction are not a unique device contrived to drive up compensation for service territory acquisitions. Nearly all (if not all) Minnesota utilities have fees similar to those in this case. They are a reasonable and equitable means of apportioning between new and existing customers the cost of extending the system to new locations. They promote rate stability without causing hardship to individual customers or barriers to the provision of reliable and affordable statewide electric service. The Commission routinely approves such fees for rate-

[11] *In the Matter of the Petition by the City of Rochester for Approval of an Adjustment of its Service Territory Boundaries with People's Cooperative Services, Inc. (Celestica Property),* E-132,299/SA-02-496, Order Determining Compensation (June 19, 2003).

regulated utilities.

Furthermore, customer-paid amounts are not counted as utility investments under the accounting system mandated by the Federal Energy Regulatory Commission and the United States Rural Utilities Service. They are not counted as utility investments for ratemaking purposes by this Commission.

Including customer-paid amounts in calculating avoided utility investments would be not only anomalous but inaccurate and unfair. The utility cannot and does not avoid expenses it would not have paid. Treating expenses the utility would not have incurred as avoided costs does not contribute to the goal of placing the utility in the same position it would have occupied but for the municipal utility's acquisition.

For all these reasons, the Commission will not treat Contributions in Aid of Construction as utility investments in calculating the utility's avoided costs.

IX. Treatment of Timing of Investment

In calculating the displaced utility's avoided investment, the City accounted for all investment as being in place during the first or second year of the compensation period, when it would probably have been installed. The Cooperative, on the other hand, allocated the avoided investment to coincide with projected development rates in the annexed areas, arguing that it was more equitable to match the recognition of the investment with the receipt of the revenues the investment would have been made to support.

The Commission has never squarely addressed this issue, although it has approved compensation rates based on schedules with avoided investments allocated and phased-in. The Administrative Law Judge recommended recognizing avoided investment from the time it is made – generally early in the compensation period.

The Commission concurs with the Administrative Law Judge. Recognizing investments from the time they are actually made, instead of allocating them on the basis of revenue projections, is consistent with the compensation formula's empirical, real-world focus. It is consistent with the earlier-explained decision to base avoided investment calculations on actual, incremental costs instead of averaged, allocated costs. It reflects the actual, universal utility practice of making investments in advance of need.

For all these reasons, the Commission accepts the Administrative Law Judge's recommendation to recognize avoided investments from the time they would have been made.

X. Compensation Period

The Administrative Law Judge found that the standard ten-year compensation period was appropriate in this case and recommended its use. No one excepted to that recommendation, Wright-Hennepin supported it, and the Commission concurs with the Administrative Law Judge that it is appropriate here.

XI. Settled Issues; Lost Revenues for Existing Customers

The Commission concurs with the Administrative Law Judge that the parties' settlements on the issues of compensation for acquired facilities and compensation for integration expenses are

reasonable and should be accepted.
The Commission will set compensation for lost revenues for existing customers at the rate proposed by the Cooperative, 17.9 mills per kilowatt hour, assuming that this rate properly reflects the decisions made above and confident that any discrepancy will be explained in the compliance filing(s) required below.

XII. Compliance Filing Required

Determining compensation amounts due on the basis of the decisions reached in this Order requires calculations best performed by the parties. The Commission will therefore require the parties to make joint or separate compliance filings detailing the amount of the compensation award within 30 days.

The Commission will so order.

ORDER

1. Within 30 days of the date of this Order Wright-Hennepin Cooperative Electric Association and the City of Buffalo shall make a joint compliance filing, or separate compliance filings, detailing the total compensation award due under the terms of this Order.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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